

REMARKS

The above claim amendments are submitted along with the following remarks to be fully responsive to the outstanding Final Office Action mailed May 22, 2006. It is further submitted that this response is timely filed within the three month shortened statutory period. Reconsideration of all outstanding grounds of objection and rejection and allowance of the subject application are respectfully requested.

Claims 1, 7-10, 12-17, 20, 22, and 23 were rejected under 35 U.S.C. § 103(a) as unpatentable over Cox (U.S. Patent No. 5,879,278) in view of Williams (U.S. Patent No. 3,206,017). As amended, claims 1 and 23 recite methods of making sealing members by cutting them from a sheet in a particular pattern. Each of the sealing members includes a base portion includes two extending tabs and a center point. The pattern into which these sealing members are arranged includes positioning a first sealing member with one of its tabs extending into a space between the base portions of second and third sealing members. The pattern further includes a first reference line that extends diagonally relative to the travel direction of the sheet (e.g., reference line 62) and a second reference line that is generally perpendicular to the first reference line (e.g., reference line 68), where the first reference line intersects the center point of the base portion and the longitudinal centerlines of two extending tabs of the first and fourth sealing members and where the second reference line extends through the center point of the base portions of the second and third sealing members. As shown and described relative to Figure 3 of the present application, for example, the distance between the center points of the first and fourth sealing members is greater than the distance between the center points of the second and third sealing members. In addition, the distance between the center points of the first and second sealing members is equal to the distance between the center points of the third and fourth sealing members, which is also shown and described relative to Figure 3 of the present application, for example, such that the addition of this limitation to claims 1 and 23 does not add new subject matter. Cox and Williams fail to teach or suggest such an arrangement, as described below.

Cox does not suggest any type of manufacturing method that involves the relative positioning of tabs that extend from sealing members on a sheet, as is acknowledged by the Examiner in the Office Action. However, the Examiner states, with particular

reference to Figure A on page 10 of the Office Action, that Williams discloses a method of making individual sealing members arranged in the same pattern as recited in the present claims 1 and 23. Applicants submit that nothing in Williams teaches or suggests the positional relationship of the present claims 1 and 23, from which claims 7-10, 12-17, and 20 depend. In particular, Williams fails to suggest:

- (1) that the center points of its first sealing member (A) and fourth sealing member (D) are spaced at a greater distance from each other than the distance between the center points of the second sealing member (B) and the third sealing member (C) *and*
- (2) that the distance between the center points of the first sealing member (A) and the second sealing member (B) is equal to the distance between the third sealing member (C) and the fourth sealing member (D).

That is, Williams only illustrates an arrangement that positions the center point of its fourth sealing member (D) as being considerably *further* from the center point of third sealing member (C) than the distance between the center points of first and second sealing members (A,B). In addition, nothing in Williams suggests that its third and fourth sealing members would be positioned closer to each other than shown and described in the Examiner's Figure A. Thus, claims 1 and 23 are allowable over Cox in view of Williams. Claims 7-10, 12-17, and 20 are also believed to be allowable under 35 U.S.C. §103(a) at least in that they depend from claim 1, which is believed allowable as submitted. Claim 12 was also amended to properly depend from a non-canceled claim. Further, because claim 22 has been canceled by this amendment, the rejection thereof is deemed moot.

Claims 11, 18, and 19 were rejected under 35 U.S.C. §103(a) as unpatentable over Cox in view of Williams, as discussed above, and further in view of Giles et al. (U.S. Patent No. 4,960,216). The disclosure in Giles et al. of two discrete sheets of material and of certain material choices for the sheets does nothing to cure the deficiencies of Cox and Williams relative to the positional relationship of the sealing members of claim 1, from which claims 11, 18, and 19 depend. Thus, claims 11, 18, and 19 are believed to be allowable over Cox and Williams in view of Giles et al.

Claim 21 was rejected under 35 U.S.C. §103(a) as unpatentable over Cox in view of Williams, as discussed above, and further in view of Knudsen (U.S. Patent No. 4,095,390). The disclosure in Knudsen of induction sealing methods does nothing to cure the deficiencies of Cox and Williams relative to the positional relationship of the sealing members of claim 1, from which claim 21 depends. Thus, claim 21 is believed to be allowable over Cox and Williams in view of Knudsen.

Next, claim 22 was rejected under 35 U.S.C. §103(a) as unpatentable over Cox in view of Williams and Brewer (U.S. Patent No. 1,850, 494). Claim 22 has been cancelled, rendering the rejection thereof moot.

Finally, Applicants note that no specific rejection of claims 3-6 was made in the Office Action. However, Applicants submit that these claims are allowable at least in that they depend from claim 1, which is believed to be allowable, and in that none of the cited references teach or suggest the specific orientations of the sealing members recited in the present claims 3-6.

Accordingly, it is submitted that presently pending claims 1, 3-21, and 23 are currently in condition for allowance, a notice of which is earnestly solicited. The Examiner is invited to contact the undersigned, at the Examiner's convenience, should the Examiner have any questions regarding this communication or the present patent application.

The Commissioner is authorized to charge any additional fees or credit any overpayment to Kagan Binder deposit account No. 50-1775 and notify us of the same.

Respectfully Submitted,

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